

## **REMARKS**

### **Formal Matters**

Claims 1, 4, 5, 10, 13 and 14 are the claims currently pending the Application.

Claims 1, 4, 10 and 13 are amended herein to more clearly recite the invention. Support for these amendments can be found in the specification on page 13, lines 15-16 and on page 9, lines 9-12. Claims 5 and 14 are canceled herein.

### **Rejection of Claims under 35 U.S.C. § 103**

Claims 1 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda, U.S. Patent No. 5,914,756 (hereinafter “Maeda”), in view of Rubin, U.S. Patent No. 6,108,365 (hereinafter “Rubin”), in further view of Thibadeau, U.S. Patent No. 5,432,542 (hereinafter “Thibadeau”). This rejection should be withdrawn based on the comments and remarks herein.

The Examiner states that Madea fails to disclose a current time acquisition unit (Office Action, page 6, line 18-20), but that Rubin overcomes this deficiency. Rubin discloses a system using GPS to aid in validating the location of an integrated receiver decoded (IRD), or set-top box, and authorizing descrambling services only if the IRD is physically located where it was authorized (column 4, lines 15-20). The Examiner states that Rubin discloses current time acquisition and current place acquisition units since Rubin discloses the GPS data including satellite position coordinates at a given time (column 11, lines 46-47), and a GPS real time controller (column 17, lines 2-3). However, applicant asserts that “given time” is not current time, so that Rubin does not disclose or suggest a time acquisition unit detecting current time from an internal clock of the time reception apparatus as recited in amended claim 1.

Thibadeau also does not cure this deficiency. Thibadeau discloses “a processor coupled between a receiver to display, record or play back information, and monitors digital information encoding location identifiers in a general broadcast signal” (column 3, lines 29-33). Thibadeau discloses enabling identification of receivers by means of encoding arbitrary position information wherein a receiver is construed to mean a variety of tuner-equipped devices such as television receivers, VCRs, cable interface boxes and the like (column 3, lines 42-50). Thibadeau does not disclose or suggest any clock or timing device or apparatus, and thus cannot teach a time reception apparatus detecting current time from an internal clock of the time reception apparatus, as recited in claim 1.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, neither Maeda nor Rubin nor Thibedeau, taking singly or in any combination, teach or suggest all features of independent claim 1. Therefore, Applicant respectfully submits that this independent claim is patentably distinguished over any art of record in the application, and requests that this claim be allowed. Claim 5 is canceled herein.

**Rejection of Claims under 35 U.S.C. § 102**

Claims 4, 10, 13 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Maeda. This rejection should be withdrawn based on the comments and remarks herein.

Amended claims 4, 10 and 13 include the limitation of broadcasting contents being CM contents. None of the art of record in the application includes this feature. Maeda discloses a data broadcast receiving apparatus for receiving television broadcast

(column 1, lines 5-6), and does not disclose or suggest CM content. Rubin, as discussed above, discloses a set-top box that has a GPS receiver to determine if the set-top box is at an authorized location, and does not disclose or suggest any broadcast content.

Thibadeau, as discussed above, discloses selectively processing generally broadcast data or programming and does not disclose or suggest any specific type of broadcast content.

It has been held by the courts that “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). For at least the foregoing reasons, the claimed invention is not anticipated by the cited reference. By way of example, Maeda does not disclose “broadcasting contents being CM contents” as recited in independent claims 4, 10 and 13. Thus, applicant respectfully submits that these independent claims are not anticipated by the art of record in the application, and applicant requests that this rejection be withdrawn.

### CONCLUSION

For at least the reasons set forth in the foregoing discussion, Applicant believes that the application is now allowable and respectfully requests that the Examiner reconsider the rejections and allow the application. Should the Examiner have any

questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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